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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,305	06/13/2001	Keita Nakamatsu	450100-03284	5500
20999	7590	08/24/2006	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			FLETCHER, JAMES A	
			ART UNIT	PAPER NUMBER
			2621	

DATE MAILED: 08/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/880,305

Applicant(s)

NAKAMATSU ET AL.

Examiner

James A. Fletcher

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 8-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 8-14 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 18 July 2006.

Claim Objections

2. Claim 1 is objected to because of the following informalities: Lines 10 and 11 and lines 13 and 14 recite "the amount of deviation". Lines 17 and 18 recite "the amount of shift". There is insufficient antecedent basis for these recitations.
3. Claim 2 is objected to because of the following informalities: Line 3 and line 6 recite "the coding rate". Line 4 recites "the connection point." Line 11 recites "the amount of still image data". Line 24 recites "the amount of data". There is insufficient antecedent basis for these recitations.
4. Claim 6 is objected to because of the following informalities: Lines 2 and 3 recite "the input of a first data stream". Line 9 recites "the amount of deviation." Line 15 recites "the amount of shift". There is insufficient antecedent basis for these recitations.
5. Claim 7 is objected to because of the following informalities: Lines 3 and 4 recite "the input of a first data stream". Line 9 recites "the amount of deviation. Line 15 recites "the amount of shift". There is insufficient antecedent basis for these recitations.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Kelly et al (6,952,521).

Regarding claim1, Kelly et al disclose an information processing apparatus for receiving the input of a first data stream and a second data stream and for connecting said second data stream at a predetermined position of said first data stream and recording them, said information processing apparatus comprising:

- separation means for separating each of said first data stream and said second data stream into video data and audio data (Col 11, lines 64-66 "a stream identifier SID which identifies the type of elementary stream [for example video, audio, padding stream or private stream]");

- first detection means for detecting the amount of deviation, with respect to time, between said video data and said audio data of said first data stream, which are separated by said separation means, and the amount of deviation, with respect to time, between said video data and said audio data of said second data stream, which are separated by said separation means (Col 14, lines 23-27 "The correct offset between the two time-bases is given by the difference between [i] the PTS of the last frame of the first sequence plus one frame period, and [ii] the PTS of the first frame of the second sequence");
- first computation means for computing the amount of shift of said audio data of said second data stream with respect to said video data of said second data stream on the basis of said two amounts of deviation detected by said first detection means (Col 14, lines 23-27 "The correct offset between the two time-bases is given by the difference between [i] the PTS of the last frame of the first sequence plus one frame period, and [ii] the PTS of the first frame of the second sequence");
- creation means for combining said video data of said first data stream and said second data stream, said audio data of said first data stream and said second data stream, and system data containing said amount of shift computed by said first computation means in order to create a third data stream (Col 4, lines 47-53 "bridge generation means configured to create a bridge sequence of transport packets to link the first and second sequences around said edit points, by selective incorporation of frames from the stored first and second frame

sequences and selective recoding of one or more of the frames within the bridge sequence”);

- control means for controlling, based on said amount of shift computed by said first computation means, said creation means in such a way that said audio data of said second data stream is shifted in time with respect to said video data of said second data stream corresponding thereto (Col 15, lines 64-67 “the offset between the two streams is simply increased by a multiple of the frame period until there is no overlap in loading times of the two streams, before recording it in the additional data for the edit”); and
- recording control means for controlling recording of said third data stream created by said creation means onto a recording medium (Col 4, line 66 – Col 5, line 4 “means for storing the bridge sequence on a record carrier together with said first and second sequences and playlist information. In such an embodiment, the additional transport packets may be included in the stored bridge sequence, or alternatively may be generated during reproduction by the apparatus”).

Regarding claim 2, Kelly et al disclose an information processing apparatus comprising:

- second detection means for detecting the coding rate of said video data of one picture at the connection point of said first data stream with respect to said second data stream, and the coding rate of said video data of one picture at the connection point of said second data stream with respect to said first

data stream (Col 12, lines 57-63 "Various audio formats are permitted, varying in terms of sample rate [32 kHz, 48 kHz etc.] and also data rate [for example 32 kbits/s per second, or variable]. These and other properties of the audio and video streams are encoded in the programme specific information PSI, in the PES packet headers and in the frame headers"); and

- second computation means for computing, based on said two coding rates detected by said second detection means, the amount of still image data inserted at the connection point of said first data stream and said second data stream (Col 15, lines 64-67 "the offset between the two streams is simply increased by a multiple of the frame period until there is no overlap in loading times of the two streams, before recording it in the additional data for the edit"),
- wherein, when it is determined by said second computation means that the amount of data is not zero, said creation means further combines said still image data, of the amount of data computed by said second computation means, with said video data of said first data stream and said second data stream, said audio data of said first data stream and said second data stream, and the system data containing said amount of shift computed by said first computation means in order to create said third data stream (Col 15, lines 64-67 "the offset between the two streams is simply increased by a multiple of the frame period until there is no overlap in loading times of the two streams, before recording it in the additional data for the edit").

Regarding claim 3, Kelly et al disclose an information processing apparatus wherein said audio data of said second data stream is shifted by said control means so that said audio data is played back continuously without being re-encoded (Col 3, lines 47-49 "It is an object of this invention to provide a variety of methods and apparatus for the smooth playback of edited coded data streams such as MPEG-2 TS").

Regarding claim 4, Kelly et al disclose an information processing apparatus comprising:

- reading control means for controlling reading of said first data stream recorded on said recording medium (Col 3, lines 64-65 "means operable to read sequences of frame-based data from a storage device"); and
- input control means for controlling the input of said first data stream read by said reading control means into said separation means (Col 15, line 1 "Only Send Decodable Audio/Video to the STB").

Regarding claim 5, Kelly et al disclose an information processing apparatus wherein said first data stream and said second data stream are MPEG data streams (Col 3, lines 47-49 "It is an object of this invention to provide a variety of methods and apparatus for the smooth playback of edited coded data streams such as MPEG-2 TS").

Regarding claims 6 and 7, Kelly et al disclose an information processing method and program on a medium for use with an information processing apparatus for receiving the input of a first data stream and a second data stream and for connecting said second data stream at a predetermined position of said first data stream and recording them, said information processing method comprising the steps of:

- separating each of said first data stream and said second data stream into video data and audio data (Col 11, lines 64-66 “a stream identifier SID which identifies the type of elementary stream [for example video, audio, padding stream or private stream]”);
- detecting the amount of deviation, with respect to time, between said video data and said audio data of said first data stream, which are separated in said separation step, and the amount of deviation, with respect to time, between said video data and said audio data of said second data stream, which are separated in said separation step (Col 14, lines 23-27 “The correct offset between the two time-bases is given by the difference between [i] the PTS of the last frame of the first sequence plus one frame period, and [ii] the PTS of the first frame of the second sequence”);
- computing the amount of shift of said audio data of said second data stream with respect to said video data of said second data stream on the basis of said two amounts of deviation detected in said detection step (Col 14, lines 23-27 “The correct offset between the two time-bases is given by the difference between [i] the PTS of the last frame of the first sequence plus one frame period, and [ii] the PTS of the first frame of the second sequence”);
- combining said video data of said first data stream and said second data stream, said audio data of said first data stream and said second data stream, and system data containing said amount of shift computed in said computation step in order to create a third data stream (Col 4, lines 47-53

“bridge generation means configured to create a bridge sequence of transport packets to link the first and second sequences around said edit points, by selective incorporation of frames from the stored first and second frame sequences and selective recoding of one or more of the frames within the bridge sequence”);


- controlling, based on said amount of shift computed in said computation step, said creation step in such a way that said audio data of said second data stream is shifted in time with respect to said video data of said second data stream corresponding thereto (Col 15, lines 64-67 “the offset between the two streams is simply increased by a multiple of the frame period until there is no overlap in loading times of the two streams, before recording it in the additional data for the edit”); and
- controlling recording of said third data stream created in said creation step on a recording medium (Col 4, line 66 – Col 5, line 4 “means for storing the bridge sequence on a record carrier together with said first and second sequences and playlist information. In such an embodiment, the additional transport packets may be included in the stored bridge sequence, or alternatively may be generated during reproduction by the apparatus”).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Fletcher whose telephone number is (571) 272-7377. The examiner can normally be reached on 7:45-5:45 M-Th, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JAF
9 August 2006


TRAN TRAN
PRIMARY EXAMINER